

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                           |   |                           |
|---------------------------|---|---------------------------|
| UNITED STATES OF AMERICA  | ) |                           |
|                           | ) |                           |
| v.                        | ) | CRIMINAL NO. 04-10288-RWZ |
|                           | ) |                           |
| JOSEPH BALDASSANO, et al. | ) |                           |
| Defendants.               | ) |                           |

**UNITED STATES' MOTION  
FOR PARTIAL FINAL ORDER OF FORFEITURE**

The United States, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully moves that this Court issue a Partial Final Order of Forfeiture in the above-captioned case pursuant to 21 U.S.C. § 853. A proposed Partial Final Order of Forfeiture is submitted herewith. In support thereof, the United States sets forth the following:

1. On September 22, 2004, a federal grand jury sitting in the District of Massachusetts returned a seventeen-count Indictment charging Defendant Joseph Baldassano (the "Defendant") and others with the following violations: Conspiracy to Possess with Intent to Distribute, and to Distribute Oxycodone, in violation of 21 U.S.C. § 846 (Count One); and Distribution of Oxycodone, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Counts Five, Six, Sixteen and Seventeen)<sup>1</sup>.

2. The Indictment also sought the forfeiture, as a result of committing one or more of the offenses alleged in Counts One

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<sup>1</sup>Joseph Baldassano was not was not named in the remaining Counts of the Indictment.

through Seventeen of the Indictment, of any and all property constituting, or derived from, any proceeds the Defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations, pursuant to 21 U.S.C. § 853.

3. The Indictment further provided that, if the property, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of such property, pursuant to 21 U.S.C. § 853(p).

4. On April 18, 2006, the Defendant plead guilty to Counts One, Five, Six, Sixteen and Seventeen of the Indictment, pursuant to a written plea agreement he signed on April 18, 2006.

5. In the plea agreement, the Defendant agreed to forfeit any and all of his assets subject to forfeiture pursuant to 21 U.S.C. § 853, including without limitation cash in the amount of \$45,440, which the Defendant admitted was subject to forfeiture on the grounds that it constituted, or was derived from, proceeds

of his unlawful drug activity, and/or that it was used, or intended to be used, to commit the drug trafficking crimes charged in Counts One, Five, Six, Sixteen and Seventeen of the Indictment.

6. On June 30, 2006, the Court endorsed an Order of Forfeiture, ordering a money judgment against the Defendant in the amount of \$45,440 in United States currency.

7. On August 21, 2006, the Court issued a Preliminary Order of Forfeiture, forfeiting the Defendant's interest in \$7,961.00 in United States currency seized from the Defendant on June 29, 2004 (the "Currency").

8. Notice of the Preliminary Order of Forfeiture was sent to all interested parties, and published in the Boston Herald on September 5, 2006, September 12, 2006, and September 19, 2006.

9. No claims of interest in the Currency have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so expired on October 19, 2006.

WHEREFORE, the United States respectfully moves that this Court enter a Partial Final Order of Forfeiture against the Currency in the form submitted herewith.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney,

/s/ Kristina E. Barclay  
DAVID G. TOBIN  
KRISTINA E. BARCLAY  
Assistant U.S. Attorneys  
United States Courthouse  
Suite 9200  
1 Courthouse Way  
Boston, MA 02210  
(617) 748-3100

Date: November 3, 2006

CERTIFICATE OF SERVICE

I, Kristina E. Barclay, Assistant U.S. Attorney, hereby certify that the foregoing Motion of the United States for Partial Final Order of Forfeiture, as well as the proposed Partial Final Order of Forfeiture, was filed through the Electronic Court Filing system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Kristina E. Barclay  
KRISTINA E. BARCLAY  
Assistant U.S. Attorney

Date: November 3, 2006